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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/17/2003

Thomas G. Corbett

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EXAMINER

GAY, JENNIFER HAWKINS

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/715,779		CORBETT, THOMAS G.	
	Examiner		Art Unit	
	Jennifer H. Gay		3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 rejected under 35 U.S.C. 102(b) as being anticipated by Smyrl (US 3,913,675).

Regarding claim 1: Smyrl et al. discloses a gravel packing method that involves the following steps:

- Running in a packer **17** and a screen assembly **30**.
- Inserting a crossover assembly **19** that supports a wash pipe **159** at least in part into the packer.
- Providing a seat **20** on the crossover to accept an obstructing object **36** for setting the packer.
- Fixing the seat so that pressure can be built up on the object to a predetermined level without an effect from downhole pressure acting below the object on the seat (2:55-68).

Regarding claim 2: The method further involves providing at least one gravel outlet port **27** in the crossover and selectively obstructing, element **36**, the outlet port from downhole pressure when setting the packer.

Regarding claim 3: The method further involves locating the seat further downhole on the crossover than the outlet port (Figure 5).

Regarding claim 4: The method further involves providing a clearance in the bore of the packer as it is set and allowing a fluid column to act through the clearance during setting of the packer to exert pressure on the formation below the packer for resisting cave-ins into the wellbore.

3. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hill, Jr. et al. (US 2002/0195252, referred to hereafter as Hill).

Regarding claim 1: Hill discloses a gravel packing method that involves the following steps:

- Running in a packer **22** and a screen assembly **16**.
- Inserting a crossover assembly **50** that supports a wash pipe **60** at least in part into the packer.
- Providing a seat **90** on the crossover to accept an obstructing object **92** for setting the packer.
- Fixing the seat so that pressure can be built up on the object to a predetermined level without an effect from downhole pressure acting below the object on the seat (paragraph [0049]).

Regarding claim 2: The method further involves providing at least one gravel outlet port **94** in the crossover and selectively obstructing, element **92**, the outlet port from downhole pressure when setting the packer.

Regarding claim 3: The method further involves locating the seat further downhole on the crossover than the outlet port (Figure 2).

Regarding claim 4: The method further involves providing a clearance in the bore of the packer as it is set and allowing a fluid column to act through the clearance during setting of the packer (Figure 1) to exert pressure on the formation below the packer for resisting cave-ins into the wellbore.

Regarding claim 5: Hill discloses a gravel packing method that involves the following steps:

- Running in a packer **22** and a screen assembly **16**.

- Inserting a crossover assembly **50** that supports a wash pipe **60** at least in part into the packer.
- Moving the crossover from a first position (Figure 4A) for setting the packer to a second position (Figures 4D) after the packer is set.
- Depositing gravel outside the screen using circulation through the crossover when in the second position (paragraph [0053]).
- Maintaining the second position after depositing.
- Reversing excess gravel after the step of depositing by flowing fluid in a direction opposite to that during the deposition of the gravel bit isolating the reverse flow from passing through the screen (paragraph [0056]).

Regarding claim 6: The method further involves supporting the crossover in the second position so that ports **94** are open to provide fluid communication, in a first path, between the inside of the wash pipe and an annular space above the packer (Figures 11 and 12).

Regarding claim 7: The method further involves supporting the crossover in the second position so that gravel ports **29** are open to provide fluid communication, in a second path, through the crossover and to an annular space between the wash pipe and the screen and out to the outside of the screen.

Regarding claim 8: The method further involves providing unidirectional flow access, with a first check valve **90**, from inside the wash pipe to the annular space between the wash pipe and the screen.

Regarding claim 9: The method further involves preventing flow down the wash pipe toward the screen with a second check valve **117** that permits flow through the wash pipe coming from the screen.

Regarding claims 10, 13: The method further involves providing a shutoff valve **117** in the wash pipe to selectively close it while the crossover is in the second position and performing a squeeze operation with the shutoff valve in the closed position.

Allowable Subject Matter

4. Claims 11-15 are allowed.

Response to Arguments

5. Applicant's arguments filed January 23, 2006 have been fully considered but they are not persuasive.

Applicant has argued that Smyrl does not teach fixing the seat on the crossover so that pressure can be built up on an obstructing object without any effect from downhole pressure acting below the object on the seat. Specifically, applicant argues that Smyrl cannot teach this limitation because the seat **20** is blown out of the crossover thus will limit the amount of pressure that can be applied to the ball **36** seated on the seat.

While the examiner agrees that the seat of Smyrl is blown out of the crossover at a low pressure, it is noted that claim 1 merely requires that the seat be fixed to the crossover so that pressure can be built up on the object to a "predetermined pressure". This is taught by Smyrl as the seat **20** is held in the crossover until a predetermined pressure level is reached, i.e. the pressure required to shear the shear means holding the seat to the crossover. A low predetermined pressure level is still a predetermined pressure level.

Applicant further argues that Hill Jr. also does not teach the above feature because a shiftable sleeve associated with the seat moves when pressure is applied. Again, while the examiner agrees that this is how Hill Jr. functions, claim 1 does not merely requires that the seat be fixed to the crossover so that pressure can be built up on the object to a "predetermined pressure". The sleeve of Hill Jr. does not move until a certain pressure level is applied to it thus meeting the limitation of the claim.

Applicant has further argued that Hill Jr. does not teach maintaining the crossover in position after depositing the gravel for the reversing step, i.e. maintaining the second position of the crossover. Applicant specifically argues that the examiner has referenced the 4th position of the crossover of Hill Jr. not the second position.

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While the examiner agrees that the 4th position of the crossover of Hill Jr. has been used to teach the above limitation of claim 5, it is noted that the examiner is considering the 4th position to be the 2nd position for the purposes of examination. Further, claim 5 recites moving the crossover from a first position to a second position; the claim does not preclude the crossover being in other positions between the “first” and “second” positions.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

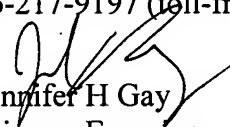
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H. Gay whose telephone number is (571) 272-7029. The examiner can normally be reached on Monday-Thursday, 6:30-4:00 and Friday, 6:30-1:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer H Gay
Primary Examiner
Art Unit 3672

JHG
March 6, 2006

